



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:

Public Notice No. 199900805

Issuance Date:

21 May 2004

Stream:

Kanawha River

Expiration Date:

20 June 2004

Address comments to:

US Army Corps of Engineers, Huntington District
602 Eighth Street
ATTN: CELRHE
Huntington, West Virginia 25701-2070

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Glenn Beckett
5411 Starling Drive
Charleston, West Virginia 25306

LOCATION: Along the left descending bank of the Kanawha River, 65.7 miles above its mouth, at Rand, in Kanawha County, West Virginia as depicted on the attached **Drawing 1**.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to complete a project previously permitted by the Huntington District on April 24, 2000 under the provisions of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The permit expired December 31, 2003. The applicant was originally permitted to place approximately 3,000-cubic yards of broken concrete, brick and rock below the ordinary high water elevation (578.2 m.s.l.) along 250 linear feet of the Kanawha River at the above location and as depicted on the attached **Drawing 2**. Approximately 30 to 40% of the fill placement is complete to date.

The proposed fill would be placed landward of the normal pool shoreline (566 m.s.l.). The fill material would be placed in a manner to conform to the existing conditions upstream and downstream from the proposed project area. The bench at elevation 580' would be sloped at a ratio of 1:1 to ensure adequate drainage. The exposed surface would consist of impervious material with a 2% slope. The applicant has indicated the purpose of the fill placement is river bank restoration in order to recover property previously lost to erosion and to prevent further loss of the property.

In addition to the proposed fill placement, the applicant proposes to construct a recreational dock measuring 4' x 30' with an attached walkway as depicted on the attached **Drawing 3**. Pilings would be driven to refusal as needed. The dock would run approximately 30-feet parallel to the shoreline and extend no more than 30-feet riverward of the normal pool shoreline as depicted on the attached **Drawing 3**.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the West Virginia Department of Environmental Protection.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be sent to the State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.


ENDANGERED/THREATENED SPECIES REVIEW: The Huntington District has consulted the most recently available information and has determined the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species, which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

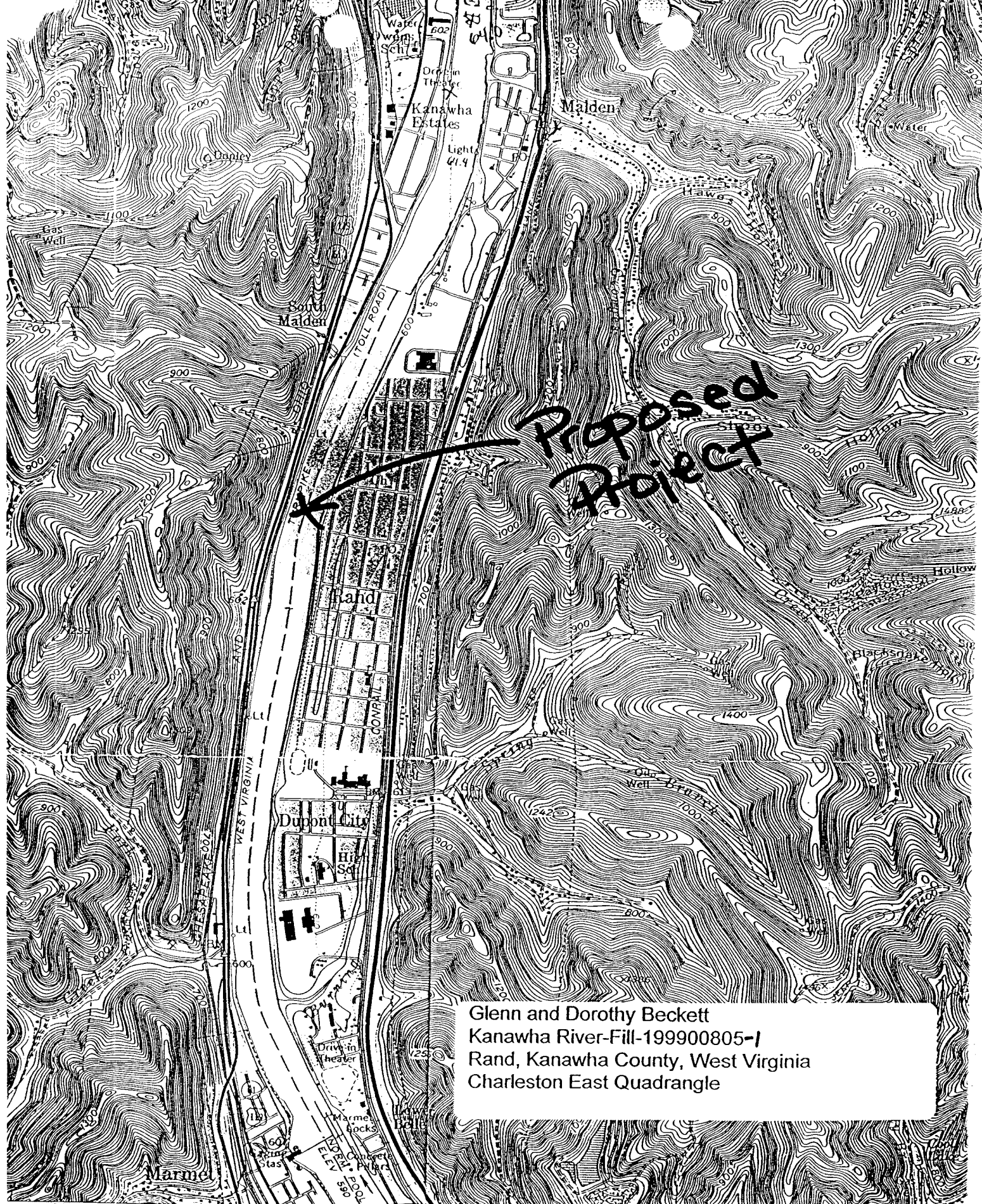
Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If you have any questions concerning this public notice, please call Mrs. Teresa Spagna of the South Regulatory Section at 304-399-5710.


Ginger Mullins, Chief
Regulatory Branch

(W)



Glenn and Dorothy Beckett
Kanawha River-Fill-199900805-1
Rand, Kanawha County, West Virginia
Charleston East Quadrangle

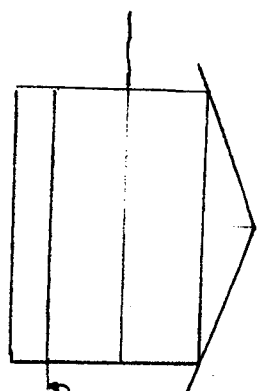
35°
CHILYAN INTERCHANGE 6.2 MI
BECKLEY INTERCHANGE 46 MI

SCALE 1:24000

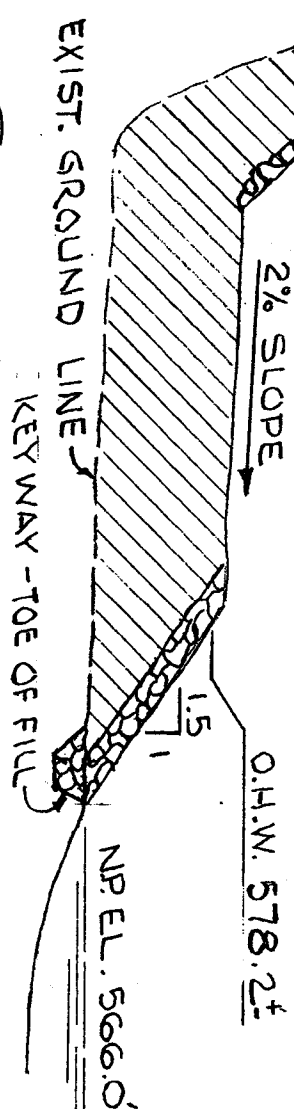
(BELLE)
4660 II NE

1 MILE

Drawing 1 of 4

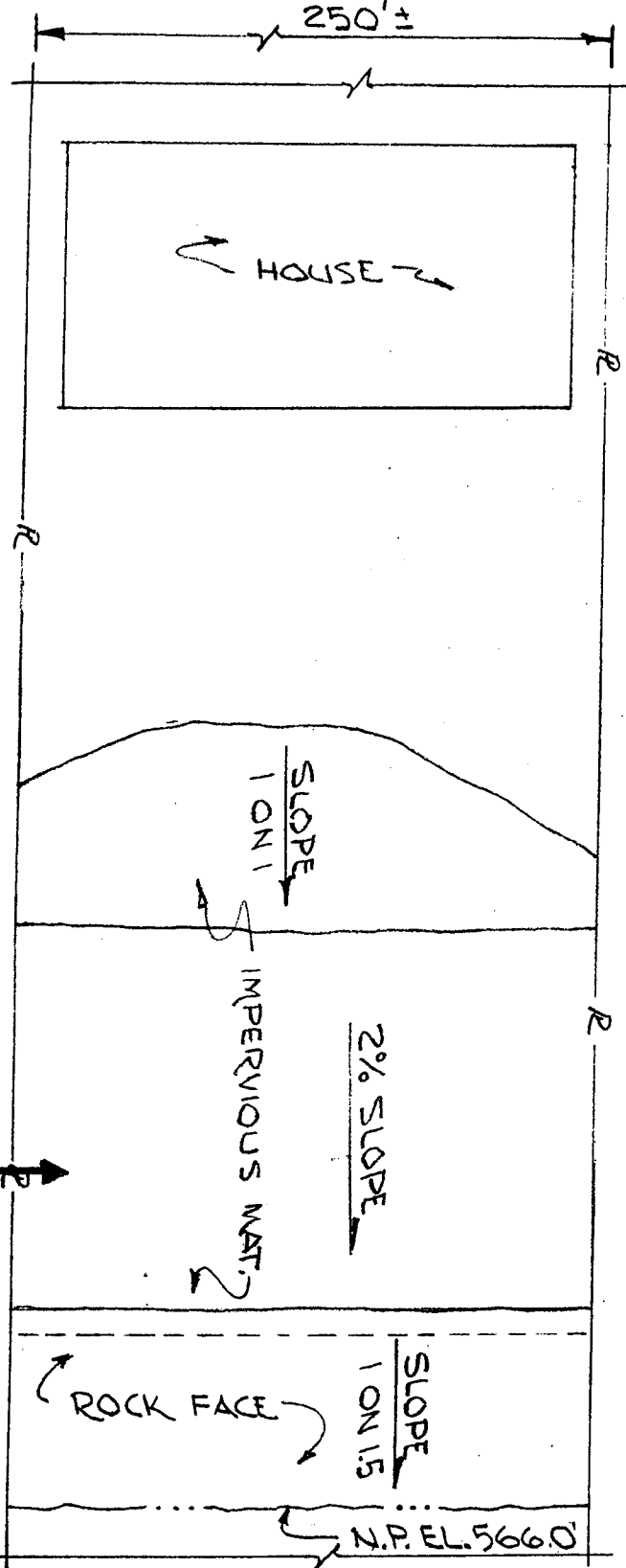


TOP OF BANK



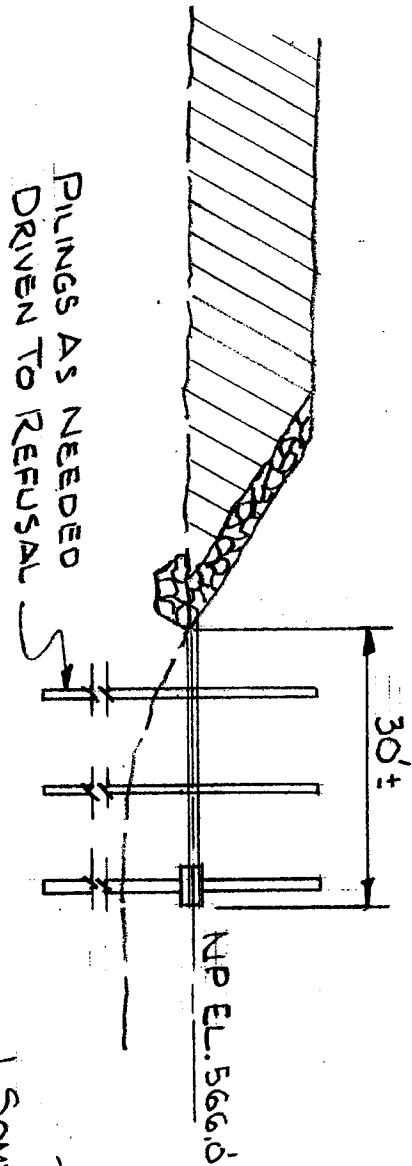
- ~NOTES~
1. FILL CONSISTS OF BROKEN CONCRETE, BRICK AND ROCK.
 2. BENCH AT EL. 580.0' WILL BE SLOPED TO DRAIN.
 3. EXPOSED SURFACE WILL BE IMPERVIOUS MATERIAL.
 4. FILL WILL BE PLACED TO CONFORM TO EXIST. CONDITIONS UPSTREAM AND DOWNSTREAM.

~SECTION VIEW~



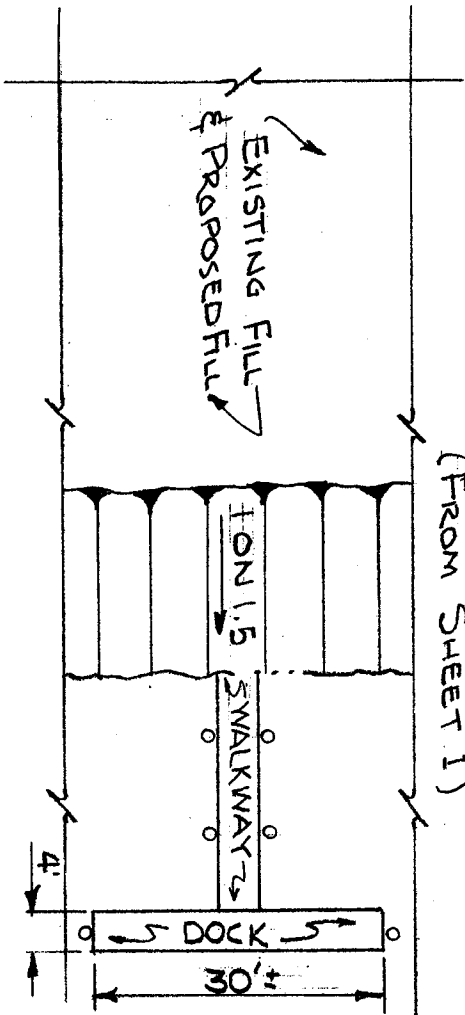
PROPOSED FILL -
MR. GLEN BECKETT
KANAWHA RIVER
KANAWHA COUNTY
RAND, WV
RIVER MILE 65.7 RDB
SCALE: 1" = 20' 3-11-00

SH. 1 of 3
REVISED
5-13-04



SECTION A-A

SCALE: 1"=20'
(FROM SHEET 1)



PLAN

SCALE: 1"=20'

~NOTES~

1. SOME FILL EXISTS UNDER PERMIT THAT EXPIRED 12-31-03.
2. DOCK IS NEW PROPOSAL.
3. DOCK PROJECTS ABOUT 30' RIVERWARD.
4. PILING PROVIDED AS NEEDED.

~BOAT DOCK~

GLEN BECKETT

KANAWHA RIVER

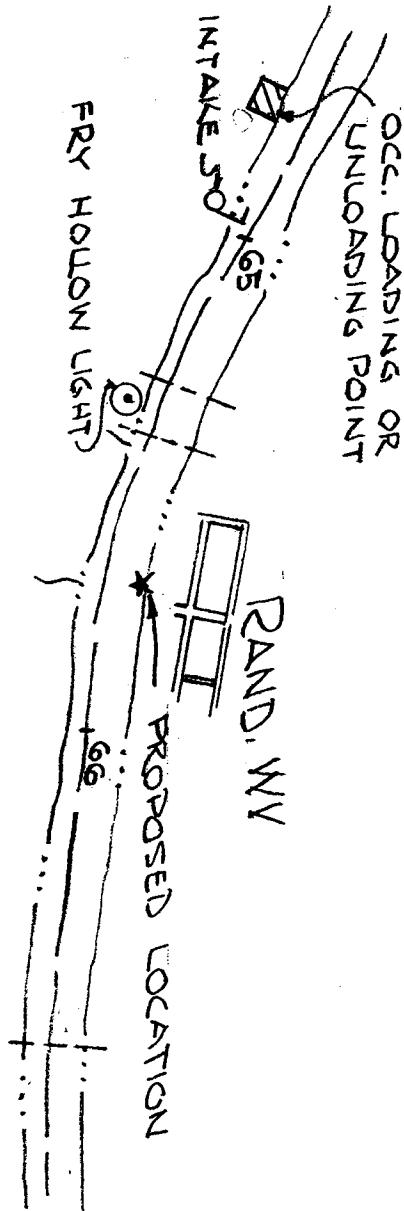
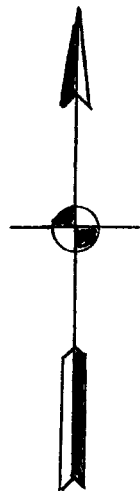
KANAWHA COUNTY

RAND, WV

MILE 65.7 - RDB

SCALE: AS SHOWN SHEET 3 OF 3

DATE: 5-13-04



~ VICINITY MAP ~
SCALE: 1" = 2000'

VICINITY MAP
MR. GLEN BECKETT
KANAWHA RIVER
KANAWHA COUNTY
RAND, WV
RIVER MILE 65.7 RDB
SCALE: 1" = 20'
DATE 3-11-00
SH 2 of 3
REVISED 5-13-04